



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

Minutes of Meeting March 15, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on March 15, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office (via telephone)
Chief Lawrence Hall, Buckeye Police Department
Executive Director Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, Arizona Department of Corrections

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Dan Ciernia, Video Production Supervisor
Annie Deer, Administrative Assistant
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Sandy Hansberger, Administrative Assistant
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist
Cathy Masters, Training Supervisor
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist
Don Yennie, Program Administrator

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Jeanne Galvin

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Chief Hall to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- There is a Basic Supervision class in attendance at today's meeting.
- Two of the new cases (Brambila and Steele) have been moved to Final Action and the Michael Derfus case will be moved up to accommodate attorney schedules.
- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board today on the Michael Derfus case.

C. Consent Agenda

Chief Hall made a motion to accept the Consent Agenda, seconded by Director Ryan, motion carried unanimously.

1. Minutes of the Board meeting held on January 18, 2017, were approved as written.
Minutes of the Board meeting held on February 15, 2017, were approved as written.

2. Ministerial Actions:

a. Certification Waivers:

John E. Barchak Jr.	AZ Department of Liquor Licenses & Control
Christopher Noel Albers	Pima Community College DPS
Justin W. Ellison	Prescott Valley PD
David W. McGill	Sedona PD
Anthony Thomas Kern	Tombstone Marshals Office
William Lee Green	Grand Canyon University PD
Terrence James Meagher	Eloy PD
Nathan J. LeCompte	Phoenix PD
Joshua D. Slagle	Phoenix PD

3. Income and Expense Statement – January 2017

Funds as of January 1, 2017	\$1,091,667.03
CJEF Revenue	518,207.21
Misc. Revenue	291.21
Expenditures	(628,554.51)
Balance as of January 31, 2017	\$981,611.65

D. Executive Director’s Report

Jack G. Lane, Executive Director

- The Criminal Justice Enhancement Fund revenues for February were down. We have only received revenue that meets budget projections in two out of the last eight months.

E. Legislative Update

Jack G. Lane, Executive Director

Senate Bill 1140, which would add a 14th member to the Board, has died. House Bill 2170, which allows 5% of Rico Funds to be deposited into the Peace Officer Training Fund, has passed the House and has been assigned to Senate Judiciary and Rules; AZ POST has not taken a position on this Bill. There is still the possibility that this Bill could die.

F. Summary of Current Events

Jack G. Lane, Executive Director

There is nothing new to report.

G. Review, Discussion and Possible Action on Funding for Basic Training Academies

Jack G. Lane, Executive Director

This matter was tabled.

H. Reports – Department of Corrections

Director Charles Ryan

- Since the last regular meeting of January 2017, 100 cadets have graduated from COTA. There are currently three classes in session with 101 cadets in attendance. There are 856 vacancies statewide. Thirteen cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies. Two applicants participated in the waiver process; for a savings of over \$13,430 to the agency. There is currently a nine week canine academy in session.

In-Service Training

Program Administrator Don Yennie

- Naloxone Train-the-Trainer has been provided to 35 individuals statewide. An additional class has been added to train 34 Department of Corrections employees.

- A new four-tier leadership training program has been unveiled. The tiers of training are FTO, Basic Supervision, Advanced Supervision and the AZ Leadership Program (ALP).
- ALP #20 will graduate on March 30, 2017, with 33 students.
- In the process of updating the Defensive Tactics Lesson Plans for both the academy and instructor schools. No instructor schools will be held until the curriculum has been revised.
- The new digital media download is working really well. Agencies are no longer receiving training DVDs; they can download these from our Sharefile Program.

I. **Final Action Cases:**

1. #15-004 – Michael J. Derfus – AZ Department of Transportation - ECD
Mr. Paul Ahler (AAG) and Sheriff Dannels recused themselves from this case. The Board considered comments from Assistant Attorney General Seth Hargraves; Dale Norris, attorney for Michael Derfus, was present and available for any questions. Sergeant Andreacola made a motion to accept the Administrative Law Judge's Decision and dismiss this case, seconded by Sergeant Aparicio, motion carried unanimously.
2. #16-192 – Roman M. Brambila – AZ Department of Public Safety
Colonel Milstead and Sheriff Dannels recused themselves from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sergeant Andreacola, motion carried unanimously.
3. #16-010 – Adrian C. Carlson – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz and Adrian Carlson. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for three years from January 8, 2016 to January 8, 2019, at which time his peace officer certification will lapse, seconded by Mr. Paul Ahler (AAG), motion carried with one nay vote recorded for Chief Hall.
4. #16-101 – Victoria D. Deuel – Casa Grande Police Department
Sergeant Aparicio recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Director Ryan made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for two years from June 25, 2016 to June 25, 2018, seconded by Executive Director LeFevre, motion carried unanimously.

5. #16-115 – Taylor Romney – ASU Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to reject the Consent Agreement, Decision and Order which called for a 6-month suspension of peace officer certification, seconded by Director Ryan, motion carried unanimously.

6. #17-004 – James H. Short – ASU Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Andreacola made a motion to accept the Consent Agreement, Decision and Order and suspend peace officer certification for one year from January 5, 2017 to January 5, 2018, seconded by Executive Director LeFevre, motion carried with three nay votes recorded for Colonel Milstead, Chief Hall and Mr. Paul Ahler (AAG).

After all the Final Action cases had been heard, Director Ryan requested that this case be reconsidered.

Director Ryan made a motion to reopen this case, seconded by Colonel Milstead, motion carried with one nay vote recorded for Sergeant Aparicio.

Colonel Milstead made a motion to rescind the previous vote of accepting the Consent Agreement, Decision and Order, seconded by Director Ryan, motion carried with two nay votes recorded for Sergeant Aparicio and Sergeant Andreacola.

After further discussion and review of the case, Sergeant Aparicio made a motion to modify the Consent Agreement, Decision and Order and suspend peace officer certification for three years from January 5, 2017 to January 5, 2020, at which time his peace officer certification will lapse, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.

7. #17-018 – Scott G. Steele – Bullhead City Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Executive Director LeFevre made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.

8. #16-126 – Ricardo A. Garcia – Mesa Police Department

Colonel Milstead recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.

9. #16-133 – Richard C. Van Galder Jr. – Mesa Police Department
Chiefs Rodbell and Hall recused themselves from this case. Director Ryan was acting chair. The Board considered comments from Assistant Attorney General Seth Hargraves. Executive Director LeFevre made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sergeant Aparicio, motion carried unanimously.
10. #16-091 – Danitza Hernandez – Nogales Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke of peace officer certification, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.
11. #15-097 – Frank S. Moreno – South Tucson Department of Public Safety
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.
12. #14-188 – Jeffrey A. Streeter – Goodyear Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Mr. Paul Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Colonel Milstead, motion carried unanimously.
13. #15-069 – Scott M. Walters – Maricopa County Sheriff’s Office
The Board considered comments from Assistant Attorney General Michael Saltz. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Hall, motion carried unanimously.
14. #15-113 – Nathaniel Luttrell – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to accept the Motion for Reconsideration and close this case with No Action with Agency Discretion, seconded by Colonel Milstead, motion carried unanimously.
15. #15-084 – Matthew V. Parker – AZ Attorney General’s Office
Mr. Paul Ahler (AAG) recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to accept the Motion for Reconsideration and close this case with No Action with Agency Discretion, seconded by Sergeant Aparicio, motion carried unanimously.

J. New Charging Cases:

1. #16-172 – Justin A. Brewer – AZ Department of Public Safety
Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Ted Brandon. Sergeant Andreacola made a motion to ***Initiate Proceedings***, seconded by Director Ryan, motion carried unanimously.
2. #16-137 – Shane D. Pollard – Goodyear Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Hall made a motion to ***Initiate Proceedings***, seconded by Sheriff Dannels, motion carried unanimously.
3. #16-130 – Rodolfo Rodriguez Jr. – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Sergeant Aparicio made a motion to ***Initiate Proceedings***, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.
4. #17-010 – Jason M. Beard – Quartzsite Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Director Ryan made a motion to ***Initiate Proceedings***, seconded by Chief Hall, motion carried unanimously.
5. #16-148 – Marco E. Garces – Yuma Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Paul Ahler (AAG) made a motion to ***Initiate Proceedings***, seconded by Sergeant Aparicio, motion carried unanimously.
6. #16-157 – Robert A. Kuhn – Phoenix Police Department
Executive Director LaFevre recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Chief Hall made a motion to close this case with ***No Action with Agency Discretion***, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.
7. #16-168 – John A. Walker – La Paz County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Hall, motion carried unanimously.
8. #15-073 – Joshua Boyd – Maricopa Police Department
The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to ***Initiate Proceedings***, seconded by Sergeant Aparicio, motion carried unanimously.

9. #15-160 – Gonzalo P. Mata Jr. – Kearny Police Department

The Board considered comments from Compliance Specialist Lori Wait. Chief Hall made a motion to *Initiate Proceedings*, seconded by Mr. Paul Ahler (AAG), motion carried unanimously.

K. Call to the Public

No one wished to address the Board during the call to the public.

L. Future Agenda Items

Executive Director Lane stated he will place the funding for basic training academies matter that was tabled today on a future agenda.

M. Adjournment

The meeting was adjourned at 11:40 a.m.